S.B.CIVIL WRIT PETITION NO.2640/1996

Shiv Ram Rawal
V.
State of Rajasthan & Ors.

Date of Order :: 11th May, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. B.L.Tiwari, Dy.Govt.Advocate.

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By this petition for writ correctness, validity and propriety of the order dated 28.6.1996 passed by the Special Secretary to the Government of Rajasthan, Department of Rural Development and Panchayati Raj is under challenge.

By the order aforesaid the State Government while exercising powers under Section 38(1) of the Rajasthan Panchayati Raj Act, 1994 recorded finding against the petitioner and ordered for recovery of the alleged misappropriated amount with interest.

The contention of the petitioner, as averred in the writ petition, is that an inquiry was conducted against him for four allegations out of which the allegation No.2 was not found proved. The allegation No.3 was proved and the allegation No.4 was partially proved against him. No specific finding was given with regard to the allegation No.1 and the inquiry officer held that the petitioner was careless in his working. It is also averred that the order passed by the State Government is not a speaking order as it does not give

findings against each and ever charge levelled upon the petitioner.

I have perused the order Anx.16 dated 28.6.1996. From perusal of the order impugned it is apparent that the disciplinary authority i.e. the State of Rajasthan has not considered the charges levelled against the petitioner in consonance with the material available on record and also not gave any finding with regard to the allegations. It is well settled that a quasi judicial authority is always required to give reasons to support its findings. The reasons are lacking in the present order and, therefore, the same is not sustainable in eye of law.

Accordingly, this petition for writ is allowed. The order impugned Anx.16 dated 28.6.1996 is quashed with no order as to cost.

(GOVIND MATHUR),J.

kkm/ps.